

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**DOUGLAS I. HORNSBY, Administrator
of the Estate of CYNTHIA GARY,**

Plaintiff,

v.

Case No. 2:22cv427

UNITED STATES of AMERICA, et al.

Defendants.

**CONSENT ORDER GRANTING DEFENDANT METRO MACHINE CORP.'S
MOTION FOR JUDGEMENT ON THE PLEADINGS WITHOUT PREJUDICE**


This matter came before the Court on a Motion for Judgment on the Pleadings under Fed. R. Civ. P. 12(c) filed by Defendant Metro Machine Corp., d/b/a General Dynamics NASSCO-Norfolk ("NASSCO-Norfolk"). *ECF No. 95*.

As indicated by counsels' endorsement below, NASSCO-Norfolk and the Plaintiff agree and consent that NASSCO-Norfolk's motion should be granted, but that NASSCO-Norfolk should be dismissed without prejudice.

WHEREFORE, on request by the parties and it appearing to the Court appropriate to do so, the Court GRANTS NASSCO-Norfolk's Motion for Judgment on the Pleadings, and Defendant NASSCO-Norfolk is dismissed from this case WITHOUT PREJUDICE, with the Plaintiff and NASSCO-Norfolk each bearing their own fees and costs incurred in connection with this action to date.

IT IS SO ORDERED

Entered this 27th day of October, 2023.

/s/ 
Rebecca Beach Smith
Senior United States District Judge
United States District Judge

WE ASK FOR THIS:

/s/ Andrew M. Hendrick
Robert J. Haddad, Esq.
VSB No. 22298
Andrew M. Hendrick, Esq.
VSB No. 42852
Ruloff, Swain, Haddad, Morecock,
Talbert & Woodward, P.C.
317 30th Street
Virginia Beach, VA 23451
Telephone: (757) 671-6036
Facsimile: (757) 671-6004
rhaddad@srgslaw.com
ahendrick@srgslaw.com
Attorneys for Plaintiff

/s/ Lynn K. Brugh, IV
John Arch Irvin, Esq.
VSB No. 97044
Lynn Kanaga Brugh, IV, Esq.
VSB No. 36778
Williams Mullen
200 South 10th Street
Suite 1600
Richmond, VA 23219
804-420-6140
jirvin@williamsmullen.com
lbrugh@williamsmullen.com
*Attorneys for Defendant Metro Machine Corp. doing business as
General Dynamics NASSCO-Norfolk*